

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

MICHAEL R. RUNYAN,

Petitioner,

vs.

JERRY BURT,

Respondent.

No. C06-0041-LRR

**ORDER TRANSFERRING
CASE**

This matter is before the court on the petitioner's application for a writ of habeas corpus, application to proceed in forma pauperis and application for appointment of counsel. The petitioner submitted his applications on March 23, 2006.

Currently confined at the Anamosa State Penitentiary in Anamosa, Iowa, the petitioner brings this action under 28 U.S.C. § 2254 to challenge the legality of his conviction and resulting sentence. In the Iowa District Court In and For Story County, the petitioner was convicted of first degree murder, in violation of Iowa Code § 707.1 and Iowa Code § 707. 2. *See State v. Runyan*, 599 N.W.2d 474 (Iowa Ct. App. 1999); *State v. Runyan*, No. FECR024773 (Story County Dist. Ct. 1997); *see also Runyan v. State*, 705 N.W.2d 107 (Iowa Ct. App. 2005); *Runyan v. State*, No. LACV039244 (Story County Dist. Ct. 2002).¹

¹ Iowa state court criminal and civil records may be accessed at the following address: www.judicial.state.ia.us/online_records/. *See Stutzka v. McCarville*, 420 F.3d 757, 760 n.2 (8th Cir. 2005) (addressing court's ability to take judicial notice of public records).

An application for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district court where the petitioner is confined or the district court where the conviction occurred. 28 U.S.C. § 2241(d). In furtherance of justice, the district court in which the application is filed may transfer the application to the other district court. *Id.* Federal courts in Iowa have chosen to hear applications attacking a state conviction or sentence in the district in which the conviction occurred.

Although venue is proper in this district, the court transfers the application forthwith to the United States District Court for the Southern District of Iowa, the district where the conviction occurred. The Clerk of Court is directed to send the entire file to the Southern District at Des Moines, Iowa and retain a copy of the file.

By this order, the court expresses no opinion as to whether the petitioner's application for a writ of habeas corpus meets the requirements of 28 U.S.C. § 2254 and does not rule on the petitioner's application to proceed in forma pauperis or application for appointment of counsel.

IT IS SO ORDERED.

DATED this 3rd day of April, 2006.



LINDA R. READE
JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA